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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,628	12/19/2005	Abdullah Ibrahim Haj-Ychia	254082000700	9260
25226	7590	06/14/2007	EXAMINER	
MORRISON & FOERSTER LLP 755 PAGE MILL RD PALO ALTO, CA 94304-1018				CHU, YONG LIANG
ART UNIT		PAPER NUMBER		
1626				
MAIL DATE		DELIVERY MODE		
06/14/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/536,628	HAJ-YEHIA ET AL.
Examiner	Art Unit	
Yong Chu	1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 49-79 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) 49-79 are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input checked="" type="checkbox"/> Other: <u>Search notes</u>

## DETAILED ACTION

Claims 49-79 are currently pending in the instant application and are subject to the following lack of unity requirement.

### *Election/Restrictions*

Restriction is required under 35 U.S.C. 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Claims 1-10 are drawn to more than one inventive concept (as defined in PCT Rule 13), and accordingly, a restriction is required according to the provision of PCT Rule 13.2.

PCT Rule 13.2 states that the international application shall relate to one invention only or to a group of inventions so linked as to form a general inventive concept (requirement of unity of invention).

PCT Rule 13.2 states that unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features.

The instant application claims an ACE-inhibitor molecule which comprises at least three distinct moieties as components (i-iii). For component (i) of ACE-inhibitor component, it is defined alternatively by four chemical formulae. Due to lack of core structure of the ACE-inhibitor molecule and the numerous and widely divergent

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variables in the component (i) of compound of formula (I)-(IV) e.g. R<sup>1</sup>-R<sup>6</sup>, X, ring A, and B, the an ACE-inhibitor molecule contains various distinct special technical features. A preliminary partial search of the component (i) (e.g. formulae I-IV) on STN found 48297 to 54373 target compounds sharing the core structure (see the attached STN preliminary search report). Therefore the inventions are lack of unity. For this reason, further restriction is required. A precise listing of inventive groups cannot be made.

The following groups are exemplary, and may be subject to further restriction:

Group I: Claims 49-58, 59-60, and 66-71 are drawn to a method of treating or preventing a renal disorder comprising administering the multifunctional ACE-inhibitor of claim 49. This group may be subject to further restriction if elected.

Group II: Claims 49-58, 61, and 66-71 are drawn to a method of treating or preventing a renal disorder comprising administering the multifunctional ACE-inhibitor of claim 49. This group may be subject to further restriction if elected.

Group III: Claims 49-58, 62-63, and 66-71 are drawn to a method of treating or preventing a renal disorder comprising administering the multifunctional ACE-inhibitor of claim 49. This group may be subject to further restriction if elected.

Group IV: Claims 49-58, 64-65, and 66-71 are drawn to a method of treating or preventing a renal disorder comprising administering the multifunctional ACE-inhibitor of claim 49. This group may be subject to further restriction if elected.

Group V: Claims 49-58 (not included in Group I-IV) and 66-71 are drawn to a method of treating or preventing a renal disorder comprising administering the

multifunctional ACE-inhibitor of claim 49. This group may be subject to further restriction if elected.

Group VI: Claims 72, 73, 77, and 78 are drawn to a multifunctional ACE-inhibitor having Formula I. This group may be subject to further restriction if elected.

Group VII: Claims 72, 74, 77, and 78 are drawn to a multifunctional ACE-inhibitor having Formula II. This group may be subject to further restriction if elected.

Group VIII: Claims 72, 75, 77, and 78 are drawn to a multifunctional ACE-inhibitor having Formula III. This group may be subject to further restriction if elected.

Group IX: Claims 72, 76, 77, and 78 are drawn to a multifunctional ACE-inhibitor having Formula IV. This group may be subject to further restriction if elected.

Group X: Claim 79 is drawn to a kit for administering a multifunctional ACE-inhibitor.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted. The elected group is subject to further restriction.

Again, this list is not exhaustive as it would be impossible under the time constraints due to the sheer volume of subject matter instantly claimed. Therefore, applicant may choose to elect a single invention at the similar scope as the examples shown supra (a product or a method of use of said product) by identifying another specific embodiment, i.e. another group, not listed in the exemplary groups of the invention and examiner will endeavor to group the same. **Applicant also needs to elect a single compound as the elected species for initial search purpose.**

The claims herein lack unity of invention under PCT rule 13.1 and 13.2 since, under 37 CFR 1.475(a) the compounds defined in the claims lack a significant structural element qualifying as the special technical feature evidenced by formula I' with numerous and widely divergent variables in the compound of formula (I').

Accordingly, unity of invention is considered to be lacking and restriction of the invention in accordance with the rules of unity of invention is considered to be proper. Additionally, the vastness of the claimed subject matter, and the complications in understanding the claimed subject matter imposes a serious burden on any examination of the claimed subject matter.

***Telephone Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed Yong Chu whose telephone number 571-272-5759. The examiner can normally be reached on 7:00 am - 3:30 pm EST.

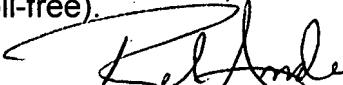
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. M<sup>c</sup>Kane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
\_\_\_\_\_  
Yong Chu, Ph.D.

Patent Examiner, AU 1626

  
\_\_\_\_\_  
REBECCA ANDERSON

PATENT EXAMINER

  
\_\_\_\_\_  
Joseph K. McKane  
Supervisory Patent Examiner  
AU 1626

<b>Index of Claims</b>  	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10536628	HAJ-YEHIA ET AL.
	Examiner	Art Unit
	Chu, Yong	1626

<input checked="" type="checkbox"/>	<b>Rejected</b>	<input type="checkbox"/>	<b>Cancelled</b>	<input type="checkbox"/>	<b>Non-Elected</b>	<input type="checkbox"/>	<b>Appeal</b>
<input type="checkbox"/>	<b>Allowed</b>	<input type="checkbox"/>	<b>Restricted</b>	<input type="checkbox"/>	<b>Interference</b>	<input type="checkbox"/>	<b>Objected</b>

Claims renumbered in the same order as presented by applicant       CPA       T.D.       R.1.47

CLAIM		DATE									
Final	Original	05/25/2007									
	73	+									
	74	+									
	75	+									
	76	+									
	77	+									
	78	+									
	79	+									

<b>Index of Claims</b>  	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10536628	HAJ-YEHIA ET AL.
	Examiner Chu, Yong	Art Unit 1626

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant  CPA  T.D.  R.1.47

CLAIM		DATE									
Final	Original	05/25/2007									
	37	-									
	38	-									
	39	-									
	40	-									
	41	-									
	42	-									
	43	-									
	44	-									
	45	-									
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